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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/689,222

10/11/2000

Siddhartha Nag

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7951

35690

7590

07/25/2008

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/689,222	Applicant(s) NAG ET AL.	
	Examiner Jeffrey R. Swearingen	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,24,25 and 72-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,5,24,25 and 72-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :20001011, 20001113, 20020311, 20040902 .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/2007 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 4, 5, 24, 25, and 72-87 have been considered but are moot in view of the new grounds of rejection.

Specification

3. The use of multiple trademarks has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities: Applicant should update the specification to show the current status of co-pending applications before the Office.

Appropriate correction is required.

Drawings

5. The drawings are objected to because they contain trademarks (e.g. Cisco) and are difficult to read due to copying issues and handwritten numerals on the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the

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remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

6. Applicant submitted a letter requesting the status of references US 09/634,035 cited in the IDS filed on 10/11/2000, and US 6,009,469 cited in the IDS filed on 11/6/2000. The IDS filed on 11/6/2000 has been considered in this action.

7. The portion of the information disclosure statement filed 10/11/2000 dealing with US 09/634,035 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 4, 5, 24, 25, and 72-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Datta et al. (U.S. Patent No. 6,209,033) in view of Chiu et al. (U.S. Patent No. 6,744,767 B1)

10. In regard to claims 4, 24, 76, 80 and 84, Datta disclosed:

displaying first graphical representations of said first media aggregation manager and said second media aggregation manager, the first and second media aggregation managers capable of serving as reservation session aggregation points on behalf of a first user community and a second user community, respectively, the first user community and the second user community communicatively coupled by a plurality of physical paths through which media packets may be exchanged by way of one or more packet forwarding devices;

displaying a first projected link utilization schedule in response to a first request to analyze the effect of conveying media packets between the first user community and the second user community over a first path of the plurality of physical paths, the first projected link utilization schedule illustrating predicted bandwidth usage for routers associated with the first path;

displaying a second projected link utilization schedule in response to a second request to analyze the effect of conveying media packets between the first user community and the second user community over a second path of the plurality of physical paths, the second projected link utilization schedule illustrating predicted bandwidth usage for routers associated with the second path; and

displaying second graphical representations for allocating or deallocating bandwidth between the first media aggregation manager and second media aggregation manager based on said displayed first projected link utilization schedule and said displayed second projected link utilization schedule.

Datta discloses network capacity and evaluation planning. A link's traffic is measured and compared to its capacity. Simulated changes to the network configuration are then made. An analysis is performed to see whether the new configuration is preferable to the old

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configuration. See Datta, column 2, lines 22-23, lines 35-40, lines 61-67, column 3, lines 1-10, lines 36-41, column 5, lines 10-25, column 6, lines 22-26, lines 45-65, column 7, lines 20-33.

Datta failed to disclose performing these functions with respect to the reservation and allocation of bandwidth. However, Chiu in the analogous field of art disclosed a reservation system for bandwidth and buffer resources at each router in a path and along alternative paths in case of failure. See Chiu, Abstract. See Chiu, column 5, lines 49-58.

Datta suggests such a combination in column 6, lines 22-32, by discussing a need to monitor current network characteristics, and applying plans on a short term basis to provide timely communication services. Chiu further aids this by being designed to reallocate data flows bandwidth for periods of congestion. Chiu, column 3, line 52 - column 4, line 13. Therefore it would have been obvious to modify Datta with Chiu to allow for the reallocation of bandwidth to decrease congestion along selected paths to provide the best possible service to prioritized channels of data users.

11. In regard to claims 5, 25, 77, 81 and 85, Datta further disclosed:

overlaying a selected path of the plurality of physical paths onto existing bandwidth allocations to determine a projected link utilization associated with the selected path. Datta discloses comparing an alternate network configuration with the original network configuration in the rejection of claim 4.

12. In regard to claims 72, 74, 78, 82 and 86, Datta further disclosed:

displaying the first path and the second path prioritized based upon one or more predetermined factors. See Datta, column 6, lines 21-26.

13. In regard to claims 73, 75, 79, 83 and 87, Chiu further disclosed:

the one or more predetermined factors include one or more of: a number of nodes in the first path or the second path; total available bandwidth for the first path or the second path; available communications bandwidth on the first path or the second path; and physical length of

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travel between nodes that make up the first path or the second path. Chiu, column 13, lines 40-65.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jorgensen US 6,640,248 B1

Pan et al. US 6,775,701 B1

Greenstein, Larry. "Transporting Voice Traffic Over Packet Networks". International Journal of Network Management. Volume 8, pp 227-34. John Wiley & Sons. 1998.

Muller, Nathan. "Improving and Managing Multimedia Performance Over TCP/IP Nets."
International Journal of Network Management. Volume 8, pp 356-67. John Wiley & Sons. 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145